

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejection set forth in the outstanding Office Action, in view of the foregoing amendments and the following remarks.

Claims 1-3 and 5-10 are now pending, with claims 1, 6, and 7 being independent claims. Claims 1, 6, and 7 have been amended to define Applicants' invention more clearly. Applicants submit that the amendments do not include new matter. Favorable reconsideration is requested.

Applicants wish to thank the Examiner for indicating the 35 U.S.C. § 112, second paragraph, rejections have been withdrawn. Applicants, however, do not necessarily concede that the "table driven logic" should not be given patentable weight.

Claims 1-3 and 5-10 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 7,263,506) in view of Penzias (U.S. Patent No. 5,311,594).

Applicants respectfully traverse this art rejection. Nevertheless, without conceding the propriety of the rejection, in order to expedite prosecution, Applicants have amended independent claims 1, 6, and 7 so as to clarify features of the invention not disclosed or suggested by the cited references. To this end, Applicants submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Amended independent claim 1 recites a method for facilitating the processing of requests for an item that comprises, inter alia, steps of evaluating a first set of criteria, selectively evaluating a second set of criteria, and evaluating override criteria, based upon the evaluation of the first set of criteria or the second set of criteria of potential fraud. Independent claim 1 further recites outputting an indication of the evaluating step, the selectively evaluating step, and the evaluating override criteria step, as well as using the indication to determine whether to issue the

requested item. By virtue of these features, the claimed invention provides a method that can reliably detect fraud in the processing of a customer's request for an item, while at the same time allow for legitimate requests to ultimately be processed.

As noted in the Amendment filed July 16, 2009, the Office Action cites Lee et al., as disclosing several of the features of the invention. In Applicants' view, Lee et al. discloses a system and method for identification and management of fraudulent credit/debit card purchases. In order to identify fraudulent purchases, Lee et al. primarily uses a centralized scoring system that uses a statistical model of fraudulent transactions. See, e.g., col. 5, lines 1-38. If the fraud estimation is high, Lee et al. appears to indicate that a web page can be displayed that requests further information from the buyer. See col. 8, lines 1-7; col. 39, lines 27-30. In this regard, the Office Action appears to equate Lee et al.'s scoring system as a "first set of criteria," and the web page requesting further information as a "second set of criteria."

Assuming, *arguendo*, that Lee et al. could be understood to disclose evaluating first and second sets of criteria, Applicants submit that the reference cannot be further understood to disclose or suggest evaluating override criteria, as recited in amended independent claim 1.

The Office Action relies on Penzias for disclosing evaluating override criteria. The Office Action asserts that Penzias teaches requesting information to confirm a card holder's identity by asking several questions. The Office Action further asserts this would be overriding a denial that would otherwise have been issued. See Office Action, pages 3 and 4. Penzias, however, does not teach or suggest evaluating override criteria, based upon the evaluation ... of potential fraud, to override the evaluation of potential fraud, as recited in independent claim 1. Penzias merely checks whether certain criteria matches and, if so, completes the transaction.

There is no discussion of a determination of potential fraud and then evaluating override criteria to override the determination.

With respect to amended independent claims 6 and 7, Applicants submit that these claims are distinguishable from Lee et al. and Penzias for reasons similar to those discussed above with respect to evaluating override criteria recited in amended independent Claim 1. More specifically, amended independent claim 6 recites, inter alia, an apparatus for facilitating the processing of requests for financial-related transactions that includes modules for evaluating first and second sets of criteria, as well as a module for evaluating override criteria. Analogously, amended independent claim 7 recites, inter alia, steps for evaluating first and second sets of criteria, as well as override criteria. As discussed above, Lee et al. and Penzias fail to disclose or suggest such features.

Accordingly, for at least the foregoing reasons, Applicants submit that amended independent claims 1, 6, and 7 are patentably distinguishable from Lee et al. and Penzias, whether taken individually or in combination.

The dependent claims should also be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants submit that all of the pending claims are allowable over the references of record, and that the application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection, and passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicants
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MAW/MW

FCHS_WS 4416187_1.DOC